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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,988	12/04/2000	Matthew Robert Williams	RIDO-0017	6562

7590 12/29/2005

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EXAMINER

YAO, KWANG BIN

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/728,988	WILLIAMS, MATTHEW ROBERT	
	Examiner	Art Unit	
	Kwang B. Yao	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/4/05 has been entered.

Claim Rejections - 35 USC § 112

2. Claims 1,2,3,4,6,7,8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The following features are not described in the specification: regarding claim 1, assigning the grouping to a **predetermined data flow path** from a source port to a destination port, **the predetermination made expressly for the grouping**; and establishing the **predetermined data flow path** for the grouping from the source port to the destination port; regarding claim 3, an assignment device that assigns the grouping to a **predetermined data flow path** from a source port to a destination port, **the predetermination made expressly for the grouping**. (Emphasis added).

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “path identifier” recited in claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2,3,4,6,7,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisson et al. (US 6,965,619) in view of Lyon et al. (US 5,920,705).

Bisson et al. discloses a communication system comprising the following features: regarding claim 1, providing a virtual port comprising a grouping (Fig. 2, Mapper/Aggregator 10) of one or more STS-1s (Abstract; column 4, lines 17-36) allocated to a particular client and an amount of bandwidth associated with the grouping (Fig. 2, Mapper/Aggregator 10); regarding claim 3, a grouping (Fig. 2, Mapper/Aggregator 10) device that provides a virtual port comprising a grouping (Fig. 2, Mapper/Aggregator 10) of one or more STS-1s (Abstract; column 4, lines 17-36) allocated to a particular client and an amount of bandwidth associated with the grouping (Fig. 2, Mapper/Aggregator 10); regarding claim 4, wherein the network is a SONET (ABSTRACT; COLUMN 3, LINES 47-67) network; regarding claim 6, wherein the grouping (Fig. 2, Mapper/Aggregator 10) is designated by a network access device (Fig. 1, Access Device 140); regarding claim 8, wherein the network is a SONET (ABSTRACT; COLUMN 3, LINES 47-67) network. See column 3-9.

Bisson et al. does not disclose the following features: regarding claim 1, assigning the grouping to a predetermined data flow path from a source port to a destination port, the predetermination made expressly for the grouping; and establishing the predetermined data flow path for the grouping from the source port to the destination port; regarding claim 2, notifying each of said source port and destination port of said data flow path, and providing to said source port an address identifying said destination port and providing to said destination port an address identifying said source port; regarding claim 3, an assignment device that assigns the grouping to

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a predetermined data flow path from a source port to a destination port, the predetermination made expressly for the grouping; and a path identifier for identifying a data flow path extending from said source port to said destination port and notifying each of said ports of said data flow path; regarding claim 7, an address identifier for identifying and providing to said source port and an address identifying said destination port and for identifying and providing to said destination port an address identifying said source port.

Lyon et al. discloses a communication system comprising the following features: regarding claim 1, assigning the grouping to a predetermined data flow path (FIG. 7a, Flow Type 1; FIG. 7b, Flow type 2) from a source port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Source Port) to a destination port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Destination Port), the predetermination made expressly (FIG. 6C, steps 218, 220, 228) for the grouping; and establishing the predetermined data flow path (FIG. 7a, Flow Type 1; FIG. 7b, Flow type 2) for the grouping from the source port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Source Port) to the destination port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Destination Port); regarding claim 2, notifying each of said source port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Source Port) and destination port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Destination Port) of said data flow path (FIG. 7a, Flow Type 1; FIG. 7b, Flow type 2), and providing to said source port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Source Port) an address identifying said destination port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Destination Port) and providing to said destination port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Destination Port) an address identifying said source port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Source Port); regarding claim 3, an assignment device that assigns the

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grouping to a predetermined data flow path (FIG. 7a, Flow Type 1; FIG. 7b, Flow type 2) from a source port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Source Port) to a destination port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Destination Port), the predetermination made expressly (FIG. 6C, steps 218, 220, 228) for the grouping; and a path identifier for identifying a data flow path (FIG. 7a, Flow Type 1; FIG. 7b, Flow type 2) extending from said source port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Source Port) to said destination port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Destination Port) and notifying each of said ports of said data flow path (FIG. 7a, Flow Type 1; FIG. 7b, Flow type 2); regarding claim 7, an address identifier for identifying and providing to said source port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Source Port) and an address identifying said destination port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Destination Port) and for identifying and providing to said destination port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Destination Port) an address identifying said source port (FIG. 1a, ports 13; column 8, lines 43-45; FIG. 7a, Source Port). See column 1-73.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Bisson et al., by using the features, as taught by Lyon et al., in order to provide an efficient data communication by avoiding bottlenecks and increasing network management complexity. See Lyon et al., column 3, lines 15-16.

Conclusion

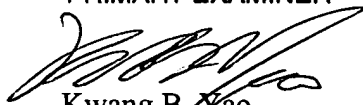
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 571-272-3182. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO
PRIMARY EXAMINER



Kwang B. Yao
December 23, 2005